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SCHOOL,
ELECTION AND STOCK
LAWS

—OF—

WYOMING TERRITORY.

1880

Published by Authority of the Sixth Legislative Assembly.

CHEYENNE, WYOMING :
LEADER STEAM BOOK AND JOB PRINTING HOUSE.
1880.



SCHOOL LAWS.

AN ACT Providing for the Organization of School Districts, Schools and for
Other Purposes.

*Be it enacted by the Council and House of Representatives of
the Territory of Wyoming:*

Superintendent of Public Instruction.

SECTION 1. The territorial librarian shall be *ex officio* superintendent of public instruction, and shall perform all the duties which, by this act, or any law of the Territory, pertain to that office.

SEC. 2. The duties of superintendent shall be as follows: He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties, each year, separately, and hold the same in readiness to be exhibited to the governor, or to any committees of either house of the legislative assembly; and shall keep a fair record of all matter pertaining to the business of his office. He shall have a general supervision of all the district schools of the Territory, and shall see that the school system is, as early as practicable, put into uniform operation. He shall prepare and have printed suitable forms for all reports required by this act, and shall transmit the same, with such instructions in reference to the course of studies as he may judge advisable, to the several officers entrusted with their management and care. He shall make all further rules and regulations that may be necessary to carry the law into full effect, according to its spirit and intent, which shall have the same force and effect as though contained

herein. He shall make a report to the legislative assembly on the first day of each regular session thereof, exhibiting the condition of public schools, and such other matters relating to the affairs of his office as he may think proper to communicate.

SEC. 3. One copy of all books, maps, charts or school apparatus, which may be received by the superintendent of public instruction, from publishers, inventors or manufacturers, shall be placed by him in the public library of this Territory.

SEC. 4. The superintendent of public instruction shall also have power to grant certificates of qualification to teachers of proper learning and ability, to teach in any public school in the Territory, and to regulate the grade of county certificates.

SEC. 5. The territorial superintendent of public instruction, with the several county superintendents, shall hold annually, at some convenient place, a territorial teachers' institute, for the instruction and advancement of teachers; said institute not to continue less than four days, and not to exceed ten days, which institute shall be free to all teachers and those preparing to teach in this Territory, which institute shall be assembled on the second Monday in August of each year, and may also be attended by the county superintendents of schools. It shall be the duty of said institute, during its sittings, to discuss and decide upon a series of books and a system of education which shall be uniform throughout the Territory; and it shall be the duty of the territorial superintendent to see that the books and system decided upon shall be introduced in all the schools of the Territory, to the exclusion of all others; *Provided*, That the series of books so adopted shall not be changed oftener than once in three years; *And provided further*, That such change of books shall not be made except upon the vote of a majority of the board.

SEC. 6. The compensation of superintendent of public instruction for his services shall be the sum of four dollars per day, not to exceed thirty days in any one year, for time spent in the discharge of his official duties, his traveling expenses, actually and necessarily incurred, and the expense of procuring blank forms, postage, stationery, and such books as are necessary for the use of his office, all of which allowances shall be paid by the territorial treasurer on their presentation in an account duly certified and sworn to before some one authorized by law to administer oaths.

County Superintendent of Schools.

SEC. 7. The duties of county superintendent of schools shall be as follows: He shall, on the first Monday of October of each year, transmit to the superintendent of public instruction a report, containing an abstract of the several particulars set forth in the reports of the district clerks, together with a statement of the financial affairs of his office, and such suggestions as he may think proper to make relative to the schools of his county. He shall distribute to the district officers within his county such blank forms, circulars and other communications as may be transmitted to him for that purpose by the superintendent of public instruction. On the first Monday in December, annually, he shall apportion the county school tax and all money in the county treasury belonging to the county school fund among the several school districts of his county, in proportion to the number of pupils in attendance in the schools of said district, reported to him by the several district clerks, and shall record a statement thereof in his office, and shall also notify the county treasurer of such apportionment. He shall immediately draw an order on the county treasurer in favor of the treasurer of each district for the amount of its proportion, and transmit the same to the treasurer of the

district, which draft the county treasurer shall pay to the district treasurer upon presentation of the draft properly indorsed. He shall divide the settled parts of the county into school districts, and may alter and change the boundaries of districts thus formed, from time to time, as the convenience of the inhabitants of the aforesaid districts may require; and shall proceed to make such change at any time when petitioned by two-thirds of the legal voters of any district. He shall examine every person offering himself or herself as teacher of public schools, and if, in his opinion, such person is qualified to teach a public school, shall give him, or her, a certificate authorizing him or her to teach a public school in his county for one year. Whenever practicable, the examination of teachers shall be competitive, and the certificate shall be graded according to the qualifications of the applicant. He shall have the general superintendence of the schools in his county, and shall visit each school at least twice each term, and shall have power to dismiss all teachers he may find to be incompetent.

SEC. 8. Should he fail to make his reports, as required in the foregoing section, he shall forfeit the sum of one hundred dollars, and suit shall be brought on his official bond for the collection of the same, with damages, by the prosecuting attorney.

SEC. 9. He shall see that the annual reports of the clerks of the several school districts in his county are made correctly and in due time, and shall hear and determine all appeals from the decisions of the district boards.

School Districts—Organization Powers.

SEC. 10. Whenever a school district shall be formed in any county, the county superintendent of schools in such county shall, within fifteen days thereafter, prepare a notice of the formation of such district, describing its boundaries and stating the number thereof, and appoint-

ing a time and place for the district meeting. He shall cause the notice thus prepared, to be posted in at least five public places in the district, at least ten days before the time appointed for such meeting; and when a joint district is derived from portions of two or more counties, the county superintendents of each county from which any portion of the new district is taken shall unite in giving the customary notices, and the new district shall be numbered by the superintendent of the county having the highest number of districts.

SEC. 11. A majority of the voters in any school district, being dissatisfied with the formation of any school district, shall have the right to appeal from the superintendent to the board of county commissioners, and from the board of county commissioners to the superintendent of public instruction.

SEC. 12. All citizens over the age of twenty-one years, who have resided for thirty days within such district, and who are liable to pay school tax therein, or in the county, and none others, shall be deemed qualified electors at school meeting, held within such districts; *Provided*, That, after the first year of the organization of any school district, no person shall be deemed a qualified elector at any such meeting who, being liable to pay a school tax therein, or in the county, in the year preceding, hath failed to pay the same.

SEC. 13. The qualified electors of a district, when assembled in accordance with the notice required in the foregoing section, shall organize by appointing a chairman and secretary, who shall act as judges of the election, and the name of each elector shall be recorded by the secretary. They shall then, by ballot, elect three trustees, one to hold his office until the next succeeding annual district election, and one to hold his office until the second succeeding district election, and one to hold office until the third succeeding annual election; they

shall hold their office during the terms for which they are elected respectively, and until their successors are elected and qualified. The trustees shall constitute a board of directors for the district, and shall, as soon as they are qualified, choose from their number a director, treasurer and clerk of the district.

SEC. 14. Said directors shall, within ten days after their election, appear before some justice of the peace and take an oath for the faithful performance of their duties; and in case they fail to do so, they shall each forfeit the sum of twenty-five dollars for the use of the school district.

SEC. 15. Each school district formed under the provisions of this act is hereby declared to be a body corporate by the name and style of school district No.—, in the county of—, and Territory of Wyoming; and in that name it may hold property and be a party to suits and contracts.

SEC. 16. The regular meeting of each school district shall be held on the first Monday of May of each year, and when present, the director and clerk shall preside as chairman and secretary of such meeting.

SEC. 17. The qualified electors of the district, when assembled, shall have power:

First—To appoint a chairman and secretary, in the absence of the regular officers.

Second—To adjourn from time to time, as occasion may require;

Third—To determine the number of schools which shall be established in the district, and the length of time each shall be taught;

Fourth—To fix the site of each school house, taking into consideration in doing so, the wants and necessities of the people of each portion of the district;

Fifth—To vote such sum of money as the meeting shall deem sufficient for any of the following purposes: To

supply any deficiency in the fund for the payment of teachers; to purchase or lease a suitable site for a school house or school houses; to build, rent or purchase a school house or school houses, and to keep in repair and furnish the same with the necessary fuel and appendages; for procuring libraries for the schools, books and stationery for the use of the board and district meetings; for purchasing books for indigent scholars, and to defray all other contingent expenses of the district;

Sixth—To direct the sale or other disposition to be made of any school house, or the site thereof, and of such other property, real or personal, as may belong to the district, and to direct the manner in which the proceeds arising therefrom shall be applied;

Seventh—To vote a sum not exceeding one hundred dollars in any one year to procure a district library, consisting of such books as they may direct any person to procure;

Eighth—To delegate any or all powers contained in the foregoing specifications to the district board;

Ninth—To transact generally such business as may tend to promote the cause of education, in accordance with the provisions of this act.

SEC. 18. In voting money, the district meetings shall designate the respective objects for which the same is raised, and the amount to be raised for each object, and the aggregate amount shall be assessed and collected, as provided in this act.

SEC. 19. They may adopt rules of order, not incompatible with the provisions of this act and the instructions of the superintendent of public instruction, for the government of district meetings, and may alter and change the same from time to time as occasion may require, and may prescribe the manner of taking the sense of the meeting upon any question; *Provided*, That the last specification shall not apply to the election of officers.

SEC. 20. In all cases where there are moneys belonging to the school house fund remaining in the hands of the district treasurer of any school district, and the board of directors thereof are satisfied that such moneys are not required to build a school house or school houses, in said district, or repair or furnish the same, such moneys may be transferred and accredited to the teachers' fund, and applied to the payment of teachers; and the board may also, in like manner, transfer a surplus of the teachers' fund to the fund for building school houses when required.

SEC. 21. There shall be elected in each organized school district, at the regular annual district meeting, on the first Monday of May, of each year, one trustee, who shall hold his office for three years, and until his successor is duly elected and qualified. If, for any reason, the annual election should not be held at the regular meeting, a special meeting for that purpose may be held. The trustees, together, constitute a board of directors for the district, and shall elect from their number a director, treasurer and clerk of the district; and at the first annual election there shall be three trustees elected, one to hold his office for the term of three years, and one to hold for the term of two years, and one for the term of one year, and thereafter there shall be one trustee elected annually for the term of three years, and thereafter at each of such meetings, one trustee shall be elected as aforesaid, as successor to the outgoing members of the board.

SEC. 22. Said directors shall qualify in the manner prescribed for directors elected upon the formation of a new school district; and in case they refuse or neglect so to do, they shall be subject to the same penalty.

SEC. 23. The board of directors may hold such regular, special or adjourned meetings as they may from time to time determine.

SEC. 24. The district board shall make all contracts,

purchases, payments and sales necessary to carry out every vote of the district, for procuring any site for a school house, renting, repairing or furnishing the same, and disposing thereof, or for keeping a school therein, and performing such other duties as may be delegated to them by the district meeting.

SEC. 25. The district board shall have power to admit scholars from adjoining districts, and remove scholars for disorderly conduct, and when scholars are admitted from other districts the district board may, in their discretion, require a tuition fee from such scholars.

SEC. 26. The district board shall require the treasurer to give bond to the district in such penalties, and with such sureties, as in their opinion will secure the district against any loss, conditioned for the faithful application of all moneys which may come into his hands by virtue of his office; said penalty may be increased from time to time as the interests of the district may require. The bond shall be filed with the director of the board, and in case of a breach of the condition thereof, he shall bring suit thereon in the name of the district.

SEC. 27. In each organized district, they shall act as judges of all district elections.

SEC. 28. They shall from time to time examine the books and accounts of the treasurer, and make settlement with him, and shall, at each regular meeting of the district, present to the same a full statement of the receipts and expenditures of the district, and such other matters as may be deemed important.

SEC. 29. They shall appoint a committee from their own body to visit the respective schools of the district monthly, and to aid the teachers in establishing and enforcing rules for the government of schools, and see that the teachers keep a correct list of the pupils, the time which they attend school, the branches of learning which each is studying, and such other matters as may, in the

opinion of the board, tend to promote the welfare of the school.

SEC. 30. They shall audit and allow all just claims against the district, and the directors shall draw an order for all demands thus audited, on the district treasurer.

SEC. 31. They shall upon the written request of five legal voters of the district, or whenever they deem it expedient, call special meetings thereof; but in all such cases, the notice of such meeting shall clearly state the precise object for which it is called, and the time and place at which it is to be held.

SEC. 32. Should a vacancy occur in the board, they may fill the same by appointment, unless it is deemed expedient to call a special meeting of the district for that purpose.

SEC. 33. The county superintendent and district board of directors may determine whether a school of a higher grade shall be established in the district, the number of teachers to be employed and the course of instruction to be pursued therein, until the meeting of the teachers' institute, provided for in section five of this act, at which time the institute shall determine the studies to be pursued in all schools of like grade in the Territory; and the superintendent of public instruction shall have the same power to carry into effect the determination of the institute, as is provided in other cases; and the board may erect for the purpose one or more permanent school houses, and shall cause such classification of the pupils as they may deem necessary; but in selecting the site for such school house or school houses, the permanent interest and future welfare of the people of the entire district shall be consulted.

SEC. 34. Where there are fifteen or more colored children within any school district, the board of directors thereof, with the approval of county superintendent of schools, may provide a separate school for the instruction of such colored children.

SEC. 35. The district board shall employ all teachers necessary for the schools of the district, and pay them by draft on the treasurer.

SEC. 36. The district schools established under the provisions of this act shall at all times be equally free and accessible to all children resident therein, over six and under the age of twenty-one years, subject to such regulations as the district board in each may prescribe. And it shall be the duty of all parents and guardians, or other persons having the control of children between the ages above mentioned, to send such children to some school, at least three months in each and every year, except in case of invalids and others, to whom the school room would be injurious. In such cases, the district board shall, upon receipt of a physician's certificate, excuse such children; and the district board may, in its discretion, excuse children from attendance when a compliance with this act would work great hardship. In all such cases the clerk of the board shall state the reason for excuse, and the name of the child or person excused, and the length of time for which excused, at large in the minutes of the proceedings of the board; *Provided*, That in all cases the applicant may appeal from the decision of the board to the county superintendent, whose decision shall be final.

SEC. 37. Any parent or guardian, or other person having children in their charge between the ages of seven (7) and sixteen (16) years, who shall neglect or refuse to comply with the provisions of this act shall, on conviction, be punished by a fine not exceeding twenty-five dollars for each and every offense.

District Officers and their Duties.

SEC. 38. The director, when present, shall preside at all meetings of the board of the district, and countersign all orders on the treasury for the payment of money.

SEC. 39. All drafts and orders drawn on the district

treasurer, as required in the foregoing section, shall specify the fund on which they are drawn and the use for which the money is designed, and shall be signed by the district clerk.

SEC. 40. The director shall appear in behalf of his district in all suits brought by or against the same, but when he is individually a party this duty shall be performed by the clerk.

SEC. 41. The clerk shall record all the proceedings of the board, and of the district meetings, in separate books to be kept for that purpose; he shall preserve copies of all reports made to the county superintendent; shall file all papers transmitted to him by other school officers, pertaining to the business of the district, and shall sign all drafts, warrants and orders drawn by him.

SEC. 42. He shall keep an accurate account of all the expenses incurred by the district, and shall present the same to the district board, to be audited and paid as herein provided out of the school fund.

SEC. 43. He shall give ten days' previous notice of all regular and special meetings of the district, as herein authorized, by posting up a written notice in three different places therein, and shall furnish a copy of the same to the teachers of each school in the district, to be read once in the presence of the pupils thereof.

SEC. 44. The district clerk shall, on the first Monday of September in each year, submit a report to the county superintendent for the year past, then ending:

First—Of the number of schools taught in such district, the number of days each scholar attended the same, and the aggregate number of days' attendance of said schools respectively, as certified by the teachers of the several schools of such district;

Second—The number of schools and the branches taught in each;

Third—The number of pupils in each school, and of each sex;

Fourth—The number of teachers employed in each school, and the average compensation of each per month;

Fifth—The number of days the school has been taught, and by whom;

Sixth—The average cost of tuition for a pupil, per month, in each school;

Seventh—Books used in each school;

Eighth—The number of volumes in the library of each school;

Ninth—The aggregate amount paid teachers during the year, the source from which the same was received and the amount of the teachers' fund in the hands of the treasurer;

Tenth—The average number of district school houses and the cost of each;

Eleventh—The amount raised in the district by tax for the erection of school houses, and for other purposes authorized in this act, and such other information as he may deem useful.

SEC. 45. Should the clerk fail to file his reports, as above directed, he shall forfeit the sum of twenty-five dollars, and shall be liable to make good all losses resulting to the district from such failure, suit to be brought in both cases by the director, in the name of the district, on his official bond.

SEC. 46. The treasurer shall have the custody of all moneys belonging to the district, and shall pay out the same upon the order of the clerk, countersigned by the director, and shall keep an account of the receipts and expenditures thereof, in a book provided for that purpose.

SEC. 47. The moneys for the payment of teachers shall be called the "teachers' fund," and the treasurer shall keep distinct and separate accounts with them, and no warrant for money shall be paid by the treasurer which does not specify the fund on which it is drawn, and the specific use to which it is to be applied.

SEC. 48. The school house fund shall consist only of taxes collected in the district, and all other school moneys belonging to the district shall go to the teachers' fund, and shall be applied to no other use except to pay the wages of school teachers in the district.

SEC. 49. The treasurer shall apply for and receive all money apportioned to the district by the county superintendent, when notified of said apportionment.

SEC. 50. He shall render a statement of the finances of the district, as shown by the records of his office, at any time when required by the district board.

School Tax.

SEC. 51. The county commissioners shall, at the time of levying tax for county purposes, cause to be levied a tax for the support of schools within the county, of two mills on the dollar of the assessed value of all taxable property, real and personal within the county, which shall be collected by the county collector, at the same time and in the same manner as territorial and county taxes are collected, with the exception that it shall be receivable in cash or warrants of the school. The county treasurer shall, at all times hold, subject to the draft of the proper officers, all moneys belonging to teachers' or school house fund.

Collection of Taxes.

SEC. 52. Whenever a sum of money has been voted by a district, the clerk shall, under the supervision of the director, make out and certify, over his official signature, the amount of money voted in his district, and on or before the first Monday of June in each year, cause the same to be filed in the office of the clerk of the board of county commissioners. The clerk shall also, at the same time, notify the county assessor, in writing, of the action of the district meeting. The county assessor shall, at the time of making the county assessment, also assess the property

of each district from which he has received notification as aforesaid, and return to the county clerk, at the time of returning the county assessment roll, a separate roll of each district by him assessed, for which services he shall receive five dollars per day for the time actually employed in making such assessment, which sum shall be paid out of the treasury of each district so assessed.

SEC. 53. It shall be the duty of the board of county commissioners to see that the amount of money so voted be extended by the clerk against the property of the district, in making out the annual tax list, and that sufficient tax be levied upon the property of such district, returned by the county assessor, to make said sum.

SEC. 54. The taxes and assessments of all school districts for all purposes, except as otherwise specially provided by law, shall be collected like county taxes, and all delinquent taxes shall be returned by the collector in the same manner as other delinquent taxes are required by law to be returned.

SEC. 55. The amount of tax collected by the county collector shall be paid over to the county treasurer like other taxes, and shall be held by said county treasurer subject to the draft of the county superintendent, and shall be paid over accordingly; *Provided*, That the money collected on the district tax rolls shall be paid by the collector directly to the treasurer of the proper district, and [take] his receipt [taken] therefor.

Miscellaneous Provisions.

SEC. 56. It shall be the duty of the teacher of every district school, or graded school, to make out and file with the district clerk, at the expiration of each term of the school, a full report of the whole number of scholars admitted to the school during such term, distinguishing between males and females, the names of such scholars, the number of days each scholar attended the same, the aggregate number of days' attendance of said schools,

the text books used, the branches taught and the number of pupils engaged in the study of each of said branches. Any teacher who shall neglect or refuse to comply with the requirements of this section, shall forfeit his or her wages for teaching such school, at the discretion of the district board.

SEC. 57. Every school district clerk, or treasurer, who shall neglect or refuse to deliver to their successors in office all records and books belonging severally to their offices, shall be subject to a fine not exceeding five hundred dollars.

SEC. 58. In all cases where suits may be instituted, by or against any of the school officers contemplated or created by this title, to enforce any of the provisions herein contained, counsel may be employed, if necessary, by the officer instituting the suit, and the expense of the suit shall be borne by the district, county or Territory in whose name, or against whom, the same may be instituted.

SEC. 59. All fines, penalties and forfeitures provided by this act, may be recovered by action in the name of the people of the Territory of Wyoming, for the use of the proper school district or county, and when they accrue belong to the respective districts or counties in which the same may have accrued; and the district treasurer for their districts, and the county commissioners of their counties, are hereby authorized to receive and apply the proceeds of such forfeitures as the interest of the permanent fund is now, or may hereafter, be applied

SEC. 60. Any officer or person collecting or receiving any fines, forfeitures or other moneys, and refusing and failing to pay over the same, as required by law, shall forfeit double the amount so withheld, and interest thereon at the rate of five per cent. per month during the time of so withholding the same.

SEC. 61. Every county superintendent shall be paid a salary of two hundred dollars, payable quarter yearly out

of the county treasury, in addition to allowance for expense in purchasing books, stationery, &c., necessary to said office, traveling expenses incurred in the discharge of his official duties, an account of which expense shall be made out by him quarterly, and signed and sworn to, and laid before the county commissioners at their meetings, who, after examining the same, if found correct, shall issue on the county treasury warrants for the amount due.

SEC. 62. In the employment of teachers, no discrimination shall be made in the question of pay on account of sex, when the persons are equally qualified.

SEC. 63. That an act entitled "an act providing for the organization of school districts, schools, and for other purposes," being chapter seven of the laws of Wyoming, 1869, approved December 10, 1869, also an act to amend an act entitled "an act providing for the organization of school districts, schools, and for other purposes," which became a law December 14, 1871, be and the same are hereby repealed.

SEC. 64. This act shall take effect and be in force from and after its passage.

Approved December 12, 1873.

[NOTE.—Sections 5, 6, 7, 13, 21, 36, 44 and 61 were amended to read as above by act approved December 11, 1875.]

AN ACT to Amend an Act Entitled "An Act for the Organization of School Districts, Schools and for Other Purposes," Approved Dec. 12th, 1873, Being Chapter 103 of the Compiled Laws of 1873.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That said act shall be amended as follows: By striking out all of section five (5) and inserting in lieu thereof the following: "Section 5. The territorial superintendent of public instruction, together with the several county superintendents and the principals of all graded

schools in this Territory, shall hold annually, at some convenient place, a territorial teachers' institute, for the instruction and advancement of teachers. Said institute shall continue not less than four days nor more than ten, and shall be held on the second Monday in May, 1878, at Laramie City, Wyoming Territory, and thereafter it shall be held at such time and place as said institute may determine. A majority of all the county superintendents and principals of graded schools, together with the territorial superintendent of public instruction, shall constitute a quorum authorized to transact business, but such institute shall be authorized to act in the absence of the territorial superintendent. It shall be the duty of said institute, during its sessions, to discuss and decide upon a series of books and a system of education, which shall be uniform throughout the Territory, and to decide upon the manner and time in which shall be held a county institute in each county in the Territory during the year, under the direction of the territorial superintendent, or some person by him specially authorized in writing. It shall be the duty of the territorial superintendent to see that the books and system so decided upon shall be introduced in all the schools of the Territory, to the exclusion of all others; *Provided*, That the series of books so adopted shall not be changed except by vote of a majority of the whole board, nor shall they be changed oftener than once in five years, except by unanimous [*decision*] of said board. It shall be the duty of all principals of graded schools in this Territory to attend such institute, and upon the presentation of a certificate from the territorial superintendent as to the actual amount of the cost of their traveling expenses, it shall be the duty of the territorial auditor to audit and allow such accounts;" also amend section six, by striking out the word "four," in second line thereof, and inserting the word "five" in lieu thereof; also by striking out in third line the word "thirty," and inserting

the word "fifty" in lieu thereof; also amend section seven by inserting after the words "clerks," in the fifth line of said section, the following: "except in case of the formation of a new district during that same year, he shall apportion to said district their proportion of such public means according to the enumeration of lawful scholars in said district, as reported to him by the district clerk;" also amend section thirty-six (36) by striking out in third line of said section the word "six," and inserting in lieu thereof the word "seven;" also amend section thirty-seven (37) by adding thereto, after the word "offense," in last line, the following: "and it shall be the duty of all sheriffs, constables or police officers, at all times, whenever it comes to their knowledge that any child is living idly and loitering about the streets or thoroughfares and spending its time in an idle or dissolute manner, to notify some member of the school board of the district in which such child is living, whose duty it shall be to immediately make all the proper inquiries to ascertain the reasons for the non-attendance of said child in some school of the county in which such child may be found by said board; that [when] any such child or ward is wilfully violating the conditions of this law it shall become the duty of the county superintendent of schools, on written notice from the board, to make complaint before some justice of the peace against the parent or guardian of said child or ward, or to make complaint against such child or ward, as provided in cases of vagrancy, under the laws of this Territory;" also amend section fifty-two (52) by striking out from fourteenth line of said section the word "assessment," and inserting in lieu thereof the words "separate assessment roll."

SEC. 2. All acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after the first day of April, A. D. 1878.

Approved December 15, 1877.

AN ACT to Repeal an Act Entitled "An Act Relating to the School Districts in Uinta County."

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That an act entitled "an act relating to school districts in Uinta county," approved December 15, 1877, be and the same is hereby repealed.

SEC. 2. That the school fund in said county, whether in the hands of the county treasurer, or that hereafter may come into his hands by virtue of said act, be apportioned among the several school districts in said county, and the county treasurer shall in due time notify the county superintendent of what school funds he has in his hands, in order that said superintendent may make a proper and due apportionment of the same.

SEC. 3. This act shall be in force from and after its passage.

Approved December 4, 1879.

AN ACT to Amend Chapter 103 of the Compiled Laws of Wyoming. —

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. In all school districts in this Territory containing a population of two thousand or more, the number of trustees shall at the next regular meeting of such districts be increased to six as hereinafter provided.

SEC. 2. At the next regular meeting of any of the school districts mentioned in section one of this act, there shall be elected in addition to the trustee whose term of office expires on that day, one trustee to hold his office until the next succeeding annual district election, one to hold his office until the second succeeding district election, and one to hold his office until the third succeeding annual election, and at each annual election thereafter there shall be elected two trustees, who shall hold office until the

third succeeding annual election after the time of their election.

SEC. 3. The boards of school directors thus constituted shall have all the rights and privileges and shall perform all the duties now exercised or imposed upon boards of school directors by the territorial law.

SEC. 4. It shall be the duty of every board of school directors constituted under the provisions of this act to provide at the expense of their district, and for said district, a seal, upon which shall be engraved the words "School District No. _____, _____ Co., Wyo. Ter." stating the number of the district and the county in which it is situated. The seal shall be in possession of the clerk of the district. It shall be affixed to all communications or notices required by law to be sent or published by such school board, and to all warrants drawn upon the treasurer of the district.

SEC. 5. Section 36 of chapter 103 of the Compiled Laws of Wyoming, is hereby amended by striking out the word "seven" where it occurs in the third [line] of said section, and inserting in lieu thereof the word "six."

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved December 13, 1879.

AN ACT to Amend an Act Entitled "An Act Providing for the Organization of School Districts, Schools and for Other Purposes," Approved December 12, 1873.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section seven (7) of an act entitled "an act providing for the organization of school districts, schools and for other purposes," is hereby amended by adding thereto the following words, viz: And if at any time after the first Monday of December of any year, and before the time arrives for the collection of the taxes for the ensuing year, there should be any funds in the county

treasury belonging to the county school fund, and the county superintendent of schools should deem it necessary or advisable, he may apportion such funds among the several school districts of his county in such manner as is prescribed in this section for the distribution of such funds, and he may make such apportionment whenever he deems it advisable within the periods prescribed herein.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved December 13, 1879.

ELECTION LAWS.

AN ACT to Provide for Elections, the Manner of Conducting the Same, and for Other Purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

TITLE I.

SECTION 1. That hereafter there shall be held in the several voting precincts of this Territory, on the Tuesday next after the first Monday in November, eighteen hundred and eighty (1880) and every two years thereafter, a general election, at which the following officers shall be chosen, that is to say: Members of the Council and House of Representatives, delegate to congress, sheriff, county clerk, probate judge, county treasurer, county and prosecuting attorney, county commissioners, superintendent of schools, coroner, surveyor, assessor, justices of the peace and constables.

SEC. 2. That all county officers elected at any general election, shall qualify and enter upon the discharge of their respective duties upon the first Monday in January immediately following such general election.

SEC. 3. Special elections shall be held in the following cases, and for the election of the following officers:

First—When there has been no choice at the general election of a delegate to congress, members of the council or house of representatives, or any county officers who should properly have been chosen at such general election.

Second—When the rights of a person elected to the

office of member of the council, member of the house of representatives, or either of the said county offices shall cease, by death or otherwise, before the commencement of the term or service for which he shall have been elected.

Third—When a vacancy shall occur in either of said county offices, after the commencement of the term of service, and more than four (4) months before the next general election.

Fourth—When a vacancy occurs in the office of members of the council, or members of the house of representatives, after the general election and before the meeting of the legislative assembly.

SEC. 4. A vacancy in either of the offices named in the first section of this act, which shall not have been supplied by an election, before the general election next succeeding the happening thereof, may be supplied at such election.

SEC. 5. Special elections shall be conducted, and the results thereof canvassed and certified, in all respects, as near as practicable, in the manner as general elections, except as otherwise directed; and no special election shall be held within ninety (90) days preceding a general election, except as hereinafter provided.

SEC. 6. All general and special elections shall be held at the place in each precinct or district where the last election was held, or at such other place therein as shall have been ordered by the board of county commissioners, except as hereinafter provided; *Provided*, Nothing in this act shall prevent the holding of two or more polls in one precinct or district where the same shall be ordered by the commissioners.

SEC. 7. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the judges of election, after having assembled at or as near as practicable to such place, and before receiv-

ing any vote, may adjourn to the nearest convenient place for holding the election, and at such adjourned place, forthwith proceed with the election.

SEC. 8. Upon adjourning any election, as provided in the preceding section, the judges shall cause proclamation thereof to be made, and shall station a constable, or some other proper person, at the place where the adjournment was made, to notify all electors arriving at such place, of the adjournment and the place to which it was made.

SEC. 9. The secretary of the Territory shall, between the first day of September and the fifteenth day of the same month in each year, in which a delegate to congress, or any other territorial officer is to be elected for a full term, make out and cause to be delivered to the board of county commissioners of each county, a notice in writing, stating that at the next general election the before mentioned territorial or county officers are to be elected, or so many of such officers as are then to be chosen.

SEC. 10. If any vacancy shall exist in the office of delegate to congress, or any other territorial office, proper to be supplied at the ensuing general election, one month before such election the secretary of the Territory shall give notice in writing to the board of county commissioners of each county, specifying the cause of such vacancy, the name of the officer in whose office it occurred, and the time when his term of office would have expired.

SEC. 11. The secretary of the Territory shall, between the first day of September and the fifteenth day of the same month in each year, in which the official term of any member of the council or member of the house of representatives shall expire, make out and cause to be delivered to the board of county commissioners of each county comprising such district, or to the board of county commissioners of each county which shall form a part thereof, a notice in writing, specifying the number of

the district, and the name of the member or members, whose term of office will so expire.

SEC. 12. All special elections for county and precinct officers, and the filling of all vacancies at a general election, shall be ordered by the county commissioners, which order shall be countersigned by the clerk of the board of county commissioners. In all other cases of special elections they shall be called by the governor.

SEC. 13. Every order or writ issued for a special election, shall specify the county or district in which such election is to be held, how the vacancy occurred, the name of the officer in whose office it occurred, the time when his term of office would have expired, and the day on which such election is to be held, which shall not be less than twenty (20) nor more than forty (40) days from the date of the order or writ, except as hereinafter provided, and the same shall be forthwith delivered to the sheriff of the proper county, or in case of a vacancy in a district comprised of more than one county, then to the sheriff of each county in such district.

SEC. 14. County commissioners of the several counties in this Territory, are hereby authorized to divide their respective counties into as many election precincts, for all general and special elections, as they may think expedient for the convenience of the voters of said county, and to appoint as many sets of judges of election to receive votes at the county seats as they may think necessary, and shall designate the house or place in such precinct, and in the precinct including the county seat, the house or houses, the place or places, at which elections are to [be] holden, and the precincts and places of holding elections so established shall so remain until changed by the board of county commissioners. *Provided always,* That it shall be the duty of county commissioners at any time to change any place of holding elections, upon a petition of a majority of voters residing within said precinct. And also,

Provided, That it shall be the duty of the board of county commissioners, upon the affidavit of two or more citizens, showing that there are twenty (20) or more citizens in any given part of the county, located at an inconvenient or inaccessible distance from any established voting precinct, to make a new precinct in accordance with the fact, at a point most convenient or central to the majority of said electors.

SEC. 15. It shall be the duty of the board of county commissioners of the several counties of this Territory, to issue a proclamation at least thirty (30) days prior to any general or special election to be holden within their respective counties, except as hereinafter provided, setting forth the names of all the offices to be filled at such election, the number of persons required by law to fill such offices, or vacancies, occurring under the law in such offices; also to describe fully the color, size, form and texture of all ballots to be used at the ensuing election, said ballots to be of sufficient length and width to allow the names of all the offices and the names of all the persons required by law to fill such offices to be written or printed, or partly written and partly printed thereon, and no ballot shall be received by the judges of election in any of the counties of this Territory that is of a different size, form, color or texture than described by the board of county commissioners of their respective counties, in their proclamation as herein provided. The county commissioners of the several counties shall cause such proclamation to be posted in a conspicuous place at every postoffice within their respective counties, and shall also cause the same to be published in the official paper of their respective counties, (if there be one) at least thirty (30) days before the ensuing election. *Provided further*, The board of county commissioners of the several counties shall furnish at the expense of their respective counties paper in equal amounts, to each political party within

their respective counties, not less than two weeks before said election; said paper shall be of the same color and texture for all parties, and the same as described in their proclamation provided for in this section.

SEC. 16. The board of county commissioners shall respectively, at the last regular session preceding any election, (but if said regular session be within thirty (30) days before the election, then a special meeting shall be called), appoint three (3) capable and discreet persons, possessing the qualifications of electors, to act as judges of the election, in each election precinct, and the clerk of said board shall make out, and deliver to the sheriff of the county, immediately after the appointment of said judges, a notice in writing, directed to the judges so appointed, and it shall be the duty of said sheriff, within twenty (20) days after the receipt of said notice, to serve said notice upon each of the said judges of the election.

SEC. 17. The said judges of the election shall choose two (2) persons, having similar qualifications with themselves, to act as clerks of the election; the said judges of election shall be, and continue, judges of all election of officers to be held within their precincts for one (1) year and until other judges shall be appointed, as hereinbefore directed, and the said clerks of election may continue to act as such during the pleasure of the judges of the election.

SEC. 18. If, at the time appointed by law for the opening of any election, any person appointed to act as judge of the election as aforesaid, shall neglect, or refuse, to be sworn or affirmed to act in such capacity, the place of such person shall be filled by the votes of such qualified voters residing within the precinct, as may then be present at the place of election, and the person or persons so elected or nominated to fill such a vacancy or vacancies, shall be, and are hereby, vested with the same power as if appointed by the board of county commissioners.

SEC. 19. The clerks of the election shall, before they enter upon the duties of their office, take a like oath as hereinafter required of judges of election. The oath of judges and clerks to be written or printed, or partly written and partly printed out in full, and signed by such judges and clerks, and subscribed by the officer or person administering the oath.

TITLE II.

SEC. 20. That every person above the age of twenty-one (21) years, who shall have been a resident of this Territory ninety (90) days, and of his or her county thirty (30) days prior to any election, and who is a citizen of the United States, or have declared on oath, before a competent court of record, his or her intention to become such, and has taken an oath to support the constitution and government of the United States, shall be entitled to vote, and be eligible to any office within said Territory, except as hereinafter provided.

SEC. 21. No person under guardianship, *non compos mentis*, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason, felony or bribery, unless restored to civil rights; nor shall any person who shall have made, or become, either directly or indirectly, interested in any bet, or wager, depending upon the result of any election at which he shall offer to vote, be permitted to vote at such election.

SEC. 22. At all special or general elections held in the Territory of Wyoming, where the judges provided by law, or some of them, are absent, the electors present at the polls of any election at the hour of nine (9) o'clock in the forenoon, shall proceed by viva voce vote to elect persons qualified as voters at such election, to fill any vacancy to serve as judges of election, who, whether appointed by the commissioners, or elected, shall then and there and before entering upon their duty as judge of election sev-

erally take the following oath: "I, A. B., do solemnly swear (or affirm) that I will impartially, and to the best of my knowledge and ability, perform the duties of judge of this election, and will studiously endeavor to prevent all frauds, deceit and abuse in conducting the same." Such oath may be taken before any justice of the peace, or other person authorized to administer oaths; but if no person authorized to administer an oath be present, then such judges shall administer the oath to each other, with like effect in all proceedings, both civil and criminal, as though the oath had been administered by a person authorized to administer oaths, independent of this act.

SEC. 23. The clerks of election shall take an oath similar in character to that required by law to be taken by the judges, which oath may be administered by the judges to the clerks.

SEC. 24. At all elections, a poll shall be opened at the place of election in each precinct. Such polls shall be opened as soon after nine (9) o'clock in the forenoon as possible, and be kept open until sundown without adjournment. When opening the polls, one of the clerks or judges of the election shall make proclamation of the same, and at least thirty (30) minutes before the closing of the polls, proclamation shall be made in like manner that the polls will be closed in half an hour.

SEC. 25. The judges of election shall appoint some constable present (if there shall be one) to preserve order at and about the polls. If no officer be in attendance, the judges of the election shall appoint one, and he shall have all the powers of a regular constable, and be obeyed as such.

SEC. 26. If any person conducts himself in a noisy, riotous or tumultuous manner, at or about the polls, so as to disturb the election, or insults or abuses the judges or clerks of election or any voter in exercising his right of suffrage, it shall be the duty of the officer present, forth-

with to arrest such offending person or persons, and take him or them before some justice of the peace, if there be one near the place of holding the election, or if there be no justice of the peace at such place, then before the judges of election, and they are hereby authorized, by a warrant under their hands, or a majority of them, to commit such offender to the jail of the county for a term not exceeding twenty-four (24) hours. If such offender be taken before a justice of the peace, he shall be dealt with as one guilty of a breach of the peace, and punished accordingly; but in all cases, such offender, if qualified, shall be allowed to vote before being committed, if he desire to do so.

SEC. 27. A space of fifteen (15) feet, in every direction from the polls, shall be kept open and clear of all persons except one challenger of good conduct and behavior, selected by each political party, to detect and challenge illegal voters; and the voters shall approach the polls from one direction, line, door or passage, and depart in another as nearly opposite as convenient. A copy of this section shall be published and posted with the notice of any general or special election.

SEC. 28. Electors shall, in all cases, except in those of felony, or breach of the peace, be privileged from arrest during their attendance on the elections, and in going to, and returning from the same.

SEC. 29. The names of all the persons voted for by any elector at any general or special election, shall be on one ballot.

SEC. 30. Every elector shall vote by ballot, and each person offering to vote, shall deliver his ballot to one of the judges of election, in the presence of the others.

SEC. 31. It shall be lawful for any elector to vote for delegate in congress at any place of holding election in the Territory, and for all other officers to be voted for in his county, except precinct officers, at any voting place in

his county, but precinct officers must be voted for only [in] their respective precincts.

SEC. 32. If any person offering to vote, shall be challenged as unqualified, by the judges or clerks of election, or by any one of the challengers selected for that purpose, the judges shall declare to the person so challenged, the qualifications of voters; if such person shall then state himself duly qualified, and the challenge be not withdrawn, one of the judges shall then tender to him the following oath: "You do solemnly swear (or affirm) that you are [twenty-one] (21) years of age; that you are a citizen of the United States (or that you have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization), and that you have taken an oath to support the constitution and government of the United States; that you have resided in this Territory ninety (90) days and in this county thirty (30) days next preceding this election; that you have not voted at this election."

SEC 33. If any person so offering to vote shall take such oath, his vote shall be received, once and no more; and if such oath shall be knowingly false, the person taking it shall be deemed guilty of perjury, and shall upon conviction thereof, be punished under the law fixing a penalty for perjury.

SEC. 34. There shall be provided and kept by the judges of each election precinct, (at the expense of the county), a substantial ballot box, with a secure lock and key; there shall be one opening, and no more through the lid or corner of such box of sufficient size to admit a single folded ballot. Before any ballot shall be deposited in the ballot box, the ballot box shall be publicly opened and exhibited, and the judges and clerks shall see that no ballot is in such box; after which the box shall be locked and the key delivered to one of the judges to be designated by the others, and shall not again be opened

until the close of the polls. The ballot box shall not be removed from the presence of judges or clerks of election, after locking said box as herein provided, until all the ballots shall be counted and poll lists made of all the names on said ballots, as provided by law.

SEC. 35. When a ballot shall be received, one of the judges, without opening the same or permitting it to be opened or examined, shall deposit it in the ballot box. It shall be the duty of each judge or clerk of the election to challenge all persons whom he shall know or suspect as not being qualified voters.

SEC. 36. Each clerk shall keep a full list, which shall contain the names of all the persons voting at such election in their numerical order. In case of adjournment, each clerk shall keep his poll list, and the judges shall seal up the hole in the ballot box, one of the judges taking the box, and another the key; and if any judge or clerk of election, or other person shall open said box in any way, during such adjournment, he shall be deemed guilty of a misdemeanor, and punished, upon conviction thereof, with imprisonment in the penitentiary not less than three (3), nor more than nine (9) months.

SEC. 37. As soon as the polls of the election shall be closed, the judges shall proceed immediately to canvass the vote given, and shall continue without adjournment until the canvass is completed. The canvass must commence by a comparison of the poll lists, and they must be made to agree; the ballot box shall then be opened, and the ballots counted by the judges and clerks, unopened, and if there are more ballots than names upon the poll list, the ballots must be returned to the box, shaken up, and one of the judges shall draw from such box, ballots enough to make the remainder agree with the poll list, which ballots so drawn shall be destroyed; and two or more ballots being found so folded as to bear the appearance of having been voted by one person, shall not be

counted but preserved with the poll books; the poll list and ballots being made to agree, the judges and clerks shall then proceed to count and ascertain the number of votes cast for each person named upon such ballots; when the votes shall have been examined and counted, the clerks shall set down in their poll books the name of every person voted for, written at full length, the office for which such person received such vote or votes, and the number he did receive, the numbers being expressed in words at full length and also in figures; such entry to be made as nearly as circumstances will admit, in the following form, to wit: "At an election held at the house of——in——precinct, in the county of——and Territory of Wyoming, on the——day of——, in the year of our Lord, one thousand eight hundred and——, the following named persons received the number of votes annexed to their respective names, for the following described offices, to wit:——had——votes for delegate to congress;——had——votes for council;——had——votes for house of representatives;——had——votes for sheriff;——had——votes for county clerk;——had——votes for probate judge and county treasurer;——had——votes for county and prosecuting attorney;——had——votes for county commissioner;——had——votes for county superintendent of schools;——had——votes for coroner;——had——votes for surveyor;——had——votes for assessor;——had——votes for justice of the peace;——had——votes for constable: Certified by us, A B, C D, E F, judges of election. Attest, G H, I J, clerks of election; and as soon as all the votes shall have been read off and counted, the judges or board of election shall make out a certificate under their hands as provided in this section.

SEC. 38. The judges of the election shall then enclose and seal one of the poll books under cover, directed to

the county clerk of the county in which such election is held, and the packet thus sealed, shall be conveyed by one of the judges or clerks of election, to be determined by lot if they cannot agree otherwise, and delivered to the said county clerk of the county, at his office, within fourteen (14) days from the closing of the polls. And if any judge or clerk of an election, after having been deputed by the judges of the election at which he served as judge or clerk, to carry the poll book of such election to the county clerk of the county, shall fail or neglect to deliver such poll book to the said county clerk, within the time prescribed by law, safe, with the seal unbroken, he shall, for every offense, forfeit and pay the sum of five hundred (500) dollars, for the use of the county, to be recovered in the name of the commissioners of the county, by an action of debt, in any court of competent jurisdiction; *Provided*, That informality in the delivery of the poll book as described by this section shall not invalidate the vote of any precinct.

SEC. 39. On the fifteenth day after the close of the election, or sooner, if all the returns be received, the county clerk of the county, taking to his assistance two (2) justices of the peace of his county (one of whom shall be of a different political party from himself, if one can be found in his county), shall proceed to open said returns and make abstracts of the votes in the following manner: The abstract of votes for delegate to congress shall be in one sheet, and the abstract of votes for members of the council and house of representatives of the general assembly shall be on another sheet; and the abstract of votes for county officers shall be on another sheet; and it shall be the duty of the said county clerk of the county immediately to make out a certificate of election to each of the persons having the highest number of votes for county officers respectively, and deliver such certificate to the person entitled to it, on his making

application for that purpose to the county clerk at his office.

SEC. 40. It shall be the duty of the county clerk of each county, on the receipt of the election returns of any general or special election, to make out his certificate, stating therein the compensation to which the judges or clerks of such election may be entitled to for services, and lay the same before the board of county commissioners at their next meeting; and the said board shall order the compensation aforesaid to be paid out of the county treasury.

SEC. 41. The county clerk of the county, immediately after making out abstracts of the votes given in his county, shall make a copy of such abstract, and transmit the same by mail, or by some proper person or persons to the office of the secretary of the Territory.

SEC. 42. If the returns of the election of any county in this Territory shall not be received at the office of the secretary of the Territory within thirty (30) days after the election, the said secretary shall forthwith send a messenger to the county clerk of such county, whose duty it shall be to furnish such messenger with a copy of such returns and the said messenger shall be paid out of the territorial treasury the sum of five (5) dollars per day, and fifteen (15) cents per mile for each mile he shall necessarily travel in going to and returning from the office of said clerk.

SEC. 43. The secretary of the Territory, auditor, treasurer, or any two of them, in the presence of the governor, shall proceed within thirty (30) days after the election, and sooner, if all the returns be received, to canvass the vote given for all territorial officers and members of the council and house of representatives, and the governor shall give a certificate of such election to the person having the highest number of votes for each office. In case there shall be no choice, by reason of any two or more persons having an equal number of votes for the

same office, the governor shall call a special election in the manner provided by law. If any judge of the election, or clerk, or any other officer or person, in any manner concerned in conducting the election, shall wilfully neglect, improperly delay, or refuse to perform any of the duties required by this act, after having undertaken to perform such duties, he shall forfeit and pay to the Territory the sum of one hundred (100) dollars; and if any such judge of the election, clerk, or any other officer or person, in anywise concerned in conducting the election, shall knowingly admit any person to vote not qualified according to law, or shall knowingly receive and count more than one vote from one person at the same election, for the same office; or shall open or unfold any ballot when the same is presented to be deposited in the ballot box, or shall be guilty of fraud, corruption, or partiality, or manifest misbehavior, in any matter or thing relating to said election; each and every person so offending shall forfeit and pay to the county the sum of five hundred (500) dollars, to be recovered in any court of record in this Territory, for the use of the county, in an action of debt, with costs of suit, or at the suit of any person who may sue for the same, one-half for the use of the person suing and the other half for the use of the county; and every such person so offending shall, on conviction, be rendered incapable of holding any office within this Territory.

SEC. 44. If any judge or judges of election shall refuse to receive the vote of any elector, who shall comply or offer to comply with the provisions of this act, then every judge, or the judges so refusing or neglecting to receive the vote of the person aforesaid, and to record it as a legal vote, shall be liable to be indicted, and on conviction, be fined five hundred (500) dollars, and imprisoned not exceeding thirty (30) days.

SEC. 45. If the county clerk of any of the several

counties of this Territory shall neglect or refuse to perform any of the duties as such clerk, as specified in this act, he shall be liable to be indicted, and, on conviction, shall be fined in a sum not exceeding five hundred (500) dollars, and imprisoned in the county jail not exceeding thirty (30) days.

SEC. 46. If any person shall mutilate or erase any name, figure or word in a poll book, taken or kept at any election, or if any person shall take away such poll book from the place where it has been deposited for safe keeping, with an intention to destroy the same, or to procure or prevent the election of any person; or if any person shall destroy any poll book so taken and kept at any election, he or she shall be liable to be indicted, and, on conviction, shall be fined not exceeding five hundred (500) dollars, and imprisoned in the county jail not exceeding thirty (30) days.

SEC. 47. The county board of canvassers shall not throw out the vote of any precinct and the vote of every precinct returned to the county clerk shall be counted.

TITLE III.

PROVIDING THE MANNER OF CONTESTING ELECTIONS.

SEC. 48. The council and house of representatives shall severally hear and determine contests of the election of their several members.

SEC. 49. The district courts of the several counties of this Territory shall hear and determine contests of the election of all county, township, precinct, and city officers, and also in regard to the removal of county seats, and in regard to any other subject which may be by law submitted to the vote of the county.

SEC. 50. The election of any member declared duly elected to a seat in the council or house of representatives in this Territory, may be contested by any qualified voter

of the county or district to be represented by such member of the council or house of representatives.

SEC. 51. The contestant shall, within thirty (30) days after the result of the election shall have been determined, serve on the person whose election he will contest, a notice of his intention to contest such election, expressing the points on which the same will be contested; and shall also, on or before the next session of the legislature, deliver a copy of such notice to the secretary of the Territory; in case the person whose election is contested is absent, or cannot be found, service may be had by leaving a copy of such notice at his usual place of residence, with some person of suitable age and discretion.

SEC. 52. Whenever a notice shall have been given of intention to contest an election, as provided in the preceding section, either party may proceed to take testimony of any witness before any judge, justice of the peace, clerk of a court, master in chancery, or notary public, on giving to the adverse party, or his attorney, ten (10) days' notice of the time and place of taking the same, and one day in addition thereto (Sunday inclusive) for every fifty (50) miles travel from the place of residence of such party, to the place where such deposition is to be taken. If the party entitled to notice resides in the county where the deposition is to be taken, five (5) days' notice shall be sufficient.

SEC. 53. The officer before whom depositions are taken, shall have power to compel the production of papers, and the attendance of witnesses; and the same proceedings may be had to compel the attendance of witnesses, as are provided in the cases of taking depositions to be used in courts of law and equity.

SEC. 54. A copy of the notice to take depositions, with proof of the service thereof, with the deposition, shall be sealed up and transmitted by mail or otherwise to the secretary of the Territory, with an endorsement

thereon, showing the names of the contesting parties, the office contested, and the nature of the papers.

SEC. 55. The secretary of the Territory shall deliver the copy of the notice deposited with him by the contestant, and the depositions unopened to the presiding officer of the branch of the legislature to which the contest relates, on or before the second day of its session next after the receipt of the same; and the presiding officer shall immediately give notice to his house that such papers are in his possession.

SEC. 56. Nothing herein contained shall be construed to abridge the right of either house of the legislature to grant commissions to take depositions, or to send for and examine any witnesses it may desire to hear on such trial, or to declare the right of membership to their respective houses.

SEC. 57. The election of any person declared elected to any office other than member of the council or house of representatives, may be contested by any elector of the county, town, precinct, or city, in and for which the person is declared elected.

SEC. 58. The person desiring to contest such election shall, within thirty (30) days after the person whose election is contested is declared elected, file with the clerk of the proper court a statement in writing, setting forth the points on which he will contest the election, which statement shall be verified by affidavit in the same manner as bills in chancery may be verified.

SEC. 59. Upon the filing of such statement, subpoena shall issue against the person whose office is contested, and he may be served with process, or notified to appear in the same manner as is provided in cases of chancery.

SEC. 60. Evidence may be taken in the same manner and upon like notice as in cases in chancery.

SEC. 61. The cases shall be tried in like manner as in cases in chancery.

SEC. 62. Any five (5) electors of the county may contest an election upon any subject which may by law be submitted to a vote of the people of the county, upon filing in the district court, within thirty (30) days after the result of the election shall have been determined, a written statement in like form as in other cases of contested elections in the district court. The county shall be made defendant, and process shall be served as in suits against the county; and like proceedings shall be had as in other cases of contested elections before such court.

SEC. 63. In case the county board shall fail or refuse properly to defend such contest, the court shall allow any one or more electors of the county to appear and defend, in which case the electors so defending shall be liable for the costs in case the judgment of the court shall be in favor of the contestant.

SEC. 64. The judgment of the court, in cases of contested elections, shall confirm or annul the election according to the right of the matter; or, in case the contest is in relation to the election of some person to an office, shall declare as elected the person who shall appear to be duly elected.

SEC. 65. If it appears that two or more persons have, or would have had if the legal ballots cast or intended to be cast for them had been counted, the highest and equal number of votes for the same office, the person receiving such votes shall decide by lot, in such manner as the court shall direct, which of them shall be declared duly elected; and the judgment shall be entered accordingly.

SEC. 66. A certified copy of the judgment of the court shall have the same effect as to the result of the election as if it had been so declared by the canvassers.

SEC. 67. When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualifications on his part, or for other causes, the person

receiving the next highest number of votes shall not be declared elected, but the election shall be declared void.

SEC. 68. In all cases of contested elections in the district courts, appeals may be taken to the supreme court in the same manner, and upon like conditions as is provided by law for taking appeals in cases in chancery from the district courts.

TITLE IV.

MISCELLANEOUS PROVISIONS.

SEC. 69. The county clerk shall provide at the expense of the county, proper ballot-boxes, blanks, poll books, and other necessary election blanks, also the election laws of Wyoming Territory, for each precinct and district in his county, and cause a suitable number thereof to be delivered to the judges of election of each precinct at least ten (10) days before any election is to be held within his county, except as hereinafter provided.

SEC. 70. Any constable attending such election may call to his aid a sufficient number of citizens to arrest any disorderly person or suppress any riot or disorder during the election. Whoever conducts himself in a riotous or disorderly manner at any election, and persists in such conduct after being warned to desist, may be arrested without warrant.

SEC. 71. A special election to fill a vacancy occurring in the council or house of representatives may be held upon five (5) days' notice, given by the board of county commissioners of any county or counties from wherein such vacancy exists. *Provided*, That upon such notice only no particular form, color or texture of ballots shall be adhered to. *Provided further*, That in all cases where notice is given by authority of law for an election to be holden in less than ten (10) days from the notice thereof, the county clerk shall perform the duties prescribed in section sixty-eight (68) of this act, before the time fixed by law for the opening of the polls at such election.

SEC. 72. Each clerk of the election shall keep a poll list, which shall contain a column headed "number," and another headed "names of voters." The name of each elector voting shall be entered upon each of the poll books by the clerks, in regular succession, under the proper headings, and the number of such voter placed opposite his or her name in the column headed "number."

SEC. 73. The names of all candidates for which the electors intend to vote, shall be written or printed upon the same ballot, and the office to which he desires each to be elected shall be designated upon the ballot.

SEC. 74. All the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine, in the order in which they have been read, and shall then be carefully enveloped and sealed up by the judges, who shall direct the same to the officer to whom by law they are required to return the poll books, and shall be delivered, together with the poll books, to such officer, who shall carefully preserve said ballots for six (6) months, and at the expiration of that time shall destroy them by burning, without the package being previously opened. *Provided*, If any contest of election shall be pending at such time, in which such ballots may be required in evidence, the same shall not be destroyed till such contest is finally determined.

SEC. 75. The judges and clerks of election shall receive five (5) dollars each per day for their services in attending such election, and the judge or clerk who carries the said returns to the county clerk, shall also receive fifteen (15) cents per mile each way by the nearest traveled route unless he has to travel in another way than by railroad; then fifteen (15) cents per mile and five (5) dollars per day each, actually and necessarily employed in such service. The judges of election shall retain duplicates of their returns, and hold the same until after the canvassing of the votes by the canvassers, and such duplicates shall be sworn to.

SEC. 76. The judges of election shall allow at least one (1), and not more than two (2), legal voters of each party to the contest, to be chosen by the parties respectively, into the room where the election is held, to act as challengers of voters at such election.

SEC. 77. The oath, in each case where challenge is given, may be administered by either of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths.

SEC. 78. No person who has been legally convicted of any crime, the punishment of which is confinement in a penitentiary, shall be permitted to vote at any election, unless he shall be restored to the right of vote, by pardon.

SEC. 79. Whoever unlawfully votes more than once at any election; or offers to vote after having voted at such election, or knowing that he or she is not a qualified voter at an election, wilfully votes at such election, shall, on conviction thereof, be fined in a sum not exceeding one thousand (1,000) dollars, or imprisoned in the county jail not exceeding one (1) year, or both, in the discretion of the court.

SEC. 80. Whoever wilfully aids or abets any one not legally qualified to vote at an election, in voting or attempting to vote, at such election; or,

Second, Furnish an elector with a ticket or ballot, informing him that it contains a name different from that which appears thereon, with intent to induce him to vote contrary to his inclinations; or,

Third, Fraudulently or deceitfully changes a ballot of an elector, with intent to deprive such elector of voting for such person as he intended; or

Fourth, Endeavors to procure the vote of any elector, or the influence of any person over an elector at any election, for himself or for or against any person, by means of a promise of a favor, or by means of violence or

threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or discharging from employment, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or his means; or,

Fifth, By offering a reward or bribe, or by treating to, or giving spirituous, malt, or other liquor, either directly or indirectly, influences or attempts to influence any voter in giving or withholding his or her vote at an election; or,

Sixth, By bribery, or by corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at an election; or,

Seventh, Gives or offers to give any valuable thing or bribe to any judge or clerk of election, as a consideration for some act to be done, or omitted to be done, contrary to his official duty, in relation to such election, shall, on conviction thereof, be fined in a sum not exceeding one thousand (1,000) dollars, or imprisonment in the county jail not exceeding one (1) year, or both, in the discretion of the court.

Sec. 81. If any person shall employ or hire, or pay for, or promise to pay for, the services of any one employed for hire, or for promise of any fee or reward, in and about aiding in the election of any person to any office under the laws of this Territory, or in the defeat or carrying [of] any proposition submitted as aforesaid, or shall contribute any money or valuable thing, or promise to aid in procuring any office, place or appointment, under the laws of this Territory, to or for the use and benefit of any person, for and in consideration of any such services as in this section above mentioned, every person so offending shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be punished by a fine of not less than one hundred (100) dollars, nor more than five hundred (500) dollars, and be imprisoned in the

county jail not exceeding thirty (30) days. Whoever receives, requests or demands a bribe or reward forbidden by this act to be given, shall be liable to the same penalties as are prescribed in this act for giving such bribe or reward.

SEC. 82. Any person who shall procure, aid, assist or advise another to go into any county for the purpose of giving his vote therein, knowing that such other person is not qualified to vote in such county, shall, on conviction thereof, be fined in a sum not exceeding one hundred (100) dollars.

SEC. 83. Any person who shall, after the opening of the polls, fraudulently put a ballot or ballots, or ticket or tickets, into the ballot box, shall, on conviction thereof, be imprisoned in the penitentiary and kept at hard labor not less than one (1) year, nor more than three (3) years.

SEC. 84. When any person's vote shall be received after having taken the oath prescribed in this act, it shall be the duty of the clerk of the election to write on the poll book, at the end of the name of such person, the word "sworn."

SEC. 85. Any judge of election who shall, after the opening of the polls, put a ballot or ticket into the ballot box, except his own, or such as may be received in the regular discharge of his duty, shall, on conviction thereof, be imprisoned in the penitentiary, and kept at hard labor not less than five (5) years, nor more than ten (10) years.

SEC. 86. If any judges or clerk of election shall wilfully or corruptly ascertain by comparison of the poll book with the ballot, or shall allow any other person to ascertain by such comparison or otherwise, or shall wilfully publish or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in a sum not exceeding five hundred (500) dollars, and imprisoned in the county jail not exceeding thirty (30) days.

SEC. 87. If any person shall wilfully or corruptly

ascertain or publish, or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in a sum not exceeding five hundred (500) dollars, and imprisoned in the county jail not exceeding thirty (30) days.

SEC. 88. If any clerk of an election shall wilfully neglect to perform any duty required of him as clerk of election, or shall be guilty of fraud, corruption or misbehavior as such clerk, he shall, on conviction thereof, be fined in a sum not exceeding five hundred (500) dollars, and imprisoned in the county jail not exceeding thirty (30) days.

SEC. 89. If any judge, clerk or other person, after having been deputed by the judges of election to carry the poll books, poll list or lists, and ballots of such election to the place where, by law, they are required to be canvassed, wilfully or negligently fails to deliver such poll books, poll list or lists, or ballots, within the time prescribed by law, with the seal unbroken, he shall, upon conviction, be fined in a sum not exceeding five hundred (500) dollars, and imprisoned in the county jail not exceeding thirty (30) days.

SEC. 90. If any county clerk or justice of the peace shall be guilty of any fraud, corruption or misbehavior in canvassing the votes or making any abstract of votes, or issuing any certificate of election, he shall, on conviction, be fined in any sum not exceeding five hundred (500) dollars, and be imprisoned in the territorial penitentiary not exceeding one year.

SEC. 91. Resignation of elective officers shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment, or to order an election to fill such vacancy.

SEC. 92. Every elective office shall become vacant on the happening of either of the following events before the expiration of the term of such office:

First, The death of the incumbent.

Second, His resignation.

Third, His becoming insane.

Fourth, His ceasing to be an inhabitant of the Territory; or, if the office is local, his ceasing to be an inhabitant of the district, county, town, or precinct, for which he was elected.

Fifth, His conviction of an infamous crime, or of any offense involving a violation of official oath.

Sixth, His removal from office.

Seventh, His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

Eighth, The decision of a competent tribunal declaring his election void.

SEC. 93. Whenever it is alleged that a vacancy in any office exists the officer, court, or county board, whose duty it is to fill the vacancy by appointment, or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exist.

SEC. 94. Whenever a vacancy shall occur in the office of any member of council or house of representatives, it shall be the duty of the county clerk of the county or counties in which the member whose office is vacant resided, to immediately notify the governor of such vacancy, whereupon the governor shall issue a writ of election to the county clerk or clerks, of the county or counties in which the vacancy is to be filled, fixing the day agreed upon by the board of county commissioners of the county or counties upon which an election shall be held to fill such vacancy; but unless the legislature shall be in session at the time the vacancy occurs, or there shall be a session between the time at which the vacancy occurs and the next general election, no special election shall be ordered to fill such vacancy.

SEC. 95. When any vacancy shall occur in the office of delegate to congress from this Territory, the governor shall issue a writ of election to the county clerks of the several counties, appointing a day to hold a special election to fill such vacancy.

SEC. 96. When a vacancy shall occur in the office of sheriff, county clerk, probate judge, county treasurer, county attorney, county commissioner, superintendent of schools, coroner, surveyor, assessor, justices of the peace, constable, or other county or precinct officer, not otherwise provided for by law, within six (6) months before the expiration of the term of such vacant office, the vacancy shall be filled by appointment, by the board of county commissioners of the county in which the vacancy exists; but if such unexpired term exceeds six (6) months, the board of commissioners of the county shall issue an order, which order shall be countersigned by the clerk of the board of commissioners, appointing a day for an election to fill such vacancy, and cause notice thereof to be given as in other cases of election.

SEC. 97. That in the event of the board of county commissioners, sheriff, county clerk, or other officer, whose duty it is to establish or appoint voting precincts and judges of election or serve notices, shall fail to do any thing, the omission of which might invalidate an election, it shall be lawful for the electors of any community of twenty (20) or more electors to make proclamation of an election; on any election day; and hold such election at some central place, so proclaimed by the electors present, as the place for holding election, and they may then proceed to elect judges and clerks of election, and in all things as far as practicable conform to the election laws. And all such acts and proceedings shall have the same force and effect as if regularly done as herein before provided. *Provided*, That this section shall not apply to proposed precincts, where affidavits have not been filed, showing there are more than twenty (20) legal voters.

SEC. 98. The provisions of the act shall apply, as far as practicable, to all elections in the Territory, whether general, special, local or municipal.

SEC. 99. That all acts and parts of acts inconsistent with the provisions of this act, and chapter 45 of compiled laws of Wyoming, are hereby repealed.

SEC. 100. This act shall take effect and be in force from and after its passage.

Approved December 13, 1879.

AN ACT Prohibiting the Establishment of Election Precincts upon Military Reservations within the Territory of Wyoming.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. Hereafter there shall be no election precincts or voting places for any election, either general or special, established, or polls held, within the limits of any military reservation within the Territory of Wyoming, or in any other place or building in said Territory which may be under the exclusive jurisdiction of the United States of America.

SEC. 2. The county commissioners of any county in this Territory in which a military reservation is located, shall ascertain the most suitable place near such reservation for an election precinct or voting place, and shall establish at such place a precinct, or place for voting, for the convenience of the legal voters upon such reservation; *Provided*, That where a precinct or voting place in any county has heretofore been established within five miles of any military reservation, the legal voters thereon shall continue to vote at such precinct or voting place until a change shall be made by the county commissioners of such county.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved December 2, 1875.

AN ACT to Amend an Act Entitled "An Act Prohibiting the Establishment of Election Precincts upon Military Reservations within the Territory of Wyoming," Approved Dec. 2, 1875.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section two (2) of an act entitled an act prohibiting the establishment of election precincts upon military reservations within the Territory of Wyoming, approved December 2, 1875, is hereby amended by adding after the last word in said section the following: "Provided this act shall not apply to the Shoshone and Bannack reservation in Sweetwater county, in the Territory of Wyoming."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved December 14, 1877.

STOCK LAWS.

AN ACT Concerning Marks and Brands for Stock in Wyoming Territory.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. Every person having cattle, hogs, sheep, or other live stock, shall have a mark or brand, different from the mark or brand of his neighbors, and he or she shall deliver to the county clerk a description of their mark or brand, and such clerk shall record the same in a well bound book kept by him for that purpose.

SEC. 2. No person shall have or adopt a mark or brand previously recorded to another person of the same county, neither shall the county clerk record the same mark or brand to more than one person.

SEC. 3. Every person shall mark or brand all his hogs, sheep, cattle, or other stock over six months old, and if any dispute arise about the question of whose mark or brand, [any particular mark or brand], may be, the same shall be decided by the county clerk's record.

SEC. 4. If any person shall, knowingly or willingly, have a mark or brand recorded which is already recorded to another person in the same county, he shall be fined not less than fifty dollars nor more than one hundred dollars.

SEC. 5. If any county clerk shall record the same mark or brand to more than one person, he shall forfeit and pay to the use of the county a fine of not less than fifty nor more than one hundred dollars.

SEC. 6. Every person who shall wilfully, and with intent to defraud, mis-brand or mis-mark any stock not

his own, shall forfeit and pay not less than fifty and not to exceed one hundred dollars, and shall be imprisoned in the county jail where said act is committed not to exceed six months, nor less than one month.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved November 24, 1869.

AN ACT for the Protection of Stock in Wyoming Territory, and to Punish Certain Offenses Concerning the Same.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. Any person who shall steal, embezzle, or knowingly kill, sell, drive away, lead away, ride away, or in any manner deprive another of the immediate possession of any neat cattle, horse, goat, sheep, mule, ass or swine; any person who shall steal, embezzle, or knowingly kill, sell, drive away, lead away, ride away, or in any manner apply to his own use, any neat cattle, horse, goat, sheep, mule, ass or swine, the owner of which is unknown; any person who shall knowingly purchase or receive of any person not having the lawful right to sell or dispose of the same, any neat cattle, horse, goat, sheep, mule, ass or swine, shall be deemed guilty of felony, and, on conviction in a court of competent jurisdiction, shall be punished by imprisonment not exceeding ten years, and fined not exceeding five thousand dollars, at the discretion of the court.

SEC. 2. Every person who shall keep neat cattle, horses, mules, sheep or goats for their growth or increase, within the Territory, shall be deemed a stock grower; and every stock grower shall have a brand or mark, or both, which he shall cause to be recorded in the office of the clerk of each of the counties where he may keep any of the live stock enumerated, and shall cause all such live stock over one year of age to be distinctly branded or

marked; *Provided*, That no stock grower shall adopt a mark or brand of another; neither shall the county clerk record the same brand to more than one person; *Provided*, That nothing in this proviso shall prevent one person from adopting the brand of another and causing the same to be recorded, after purchase of such brand, and record of bill of sale of such purchaser; *And provided further*, If any stock grower or other person shall intentionally do any act prohibited by this section, or refuse or intentionally neglect to do any act herein required, he shall forfeit and pay to the county a fine not exceeding one hundred dollars.

SEC. 3. Any person who shall, with intent to defraud, brand or misbrand, mark or mismark, any neat cattle, horse, sheep, goat, ass or mule not his own; any person who shall intentionally brand over a previous brand, or in any manner deface or obliterate a previous brand, or shall cut out or obliterate a previous mark on any neat cattle, horse, sheep, goat, ass or mule, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding five years, or both, in the discretion of the court.

SEC. 4. Any person who shall drive or bring neat cattle to or through this Territory shall be deemed a cattle drover; and every cattle drover who shall neglect or fail to distinctly brand all neat cattle before driving them over any portion of this Territory, or any cattle drover who shall fail or neglect to carefully examine his herd of neat cattle, after driving them over any portion of this Territory, and separate and drive away from his herd all neat cattle not branded with his brand, shall be deemed guilty of a misdemeanor, and, on conviction, shall pay a fine to the county not exceeding one hundred dollars.

SEC. 5. Any cattle drover or other person who shall .

drive any neat cattle of another intentionally, or through neglect, off the range where such cattle are accustomed to graze and feed, shall, on conviction, pay a fine not exceeding one hundred dollars, one-half of which shall be paid to the person or persons aggrieved.

SEC. 6. Any cattle drover who shall stop and keep a herd of neat cattle within three miles of the ranch of any stock grower of this Territory for exceeding the space of two days, shall forfeit and pay to the county the sum of one hundred dollars.

SEC. 7. In any indictment or complaint under this act, the description of any kind or class of neat cattle shall be deemed sufficient, if described as cattle, and for the purpose of this act, the proof of brand shall be deemed sufficient to identify all classes of live stock mentioned in this act, and shall be *prima facie* evidence of ownership of such stock.

SEC. 8. All acts and parts of acts inconsistent and repugnant to this act, are hereby repealed.

Approved 9th December, 1871.

[NOTE.—The first proviso of section 2 of the foregoing act was amended to read as above, and the second proviso inserted, by act, approved December 5th, 1873.—COMPILERS.]

AN ACT Regulating the Branding, Herding and Care of Stock.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That no mustang or other inferior stallion, over the age of eighteen months, nor any Texan, Mexican, or Cherokee bull, or other inferior bull, over the age of ten (10) months; nor any Mexican or other inferior ram, over the age of eight (8) months, shall be permitted to run at large in the Territory of Wyoming, nor shall any stallion over the age of eighteen (18) months, be permitted to run at large in the said Territory, within five (5) miles of any city, town or village; the owner, or person in

charge of such animal or animals, as are prohibited from running at large by this section, who shall permit such animal or animals to run at large, may be fined for each offense not less than fifty (50) dollars, nor more than two hundred (200) dollars, and it shall be lawful for any stock grower to castrate, or cause to be castrated, any such animal found running at large; *Provided*, That if any person shall castrate any stallion, bull or ram, and it shall on proper evidence, before any competent court, be proven to the satisfaction of said court, that such animal was not of a class of stock prohibited from running at large by this act, said person shall be liable for damages to the amount of treble the value of said animal, so castrated, and costs of suit; *Provided, also*, That for the purpose of this act, that any stallion possessing one-quarter mustang blood, shall be deemed a mustang stallion; any bull possessing one-quarter Texan, Mexican or Cherokee blood, shall be deemed a Texan, Mexican or Cherokee bull, as the case may be; and any ram possessing one-quarter Mexican blood, shall be deemed a Mexican ram; *Provided*, That this section shall not be construed to apply to the county of Uinta.

SEC. 2. Any person owning, or having charge of any drove of cattle, horses or sheep, numbering twenty (20) head, or more than that number, in any such drove of cattle, horses or sheep, and shall drive the same into, or through any county of Wyoming, of which the owner is not a resident or land owner or stock grower, and when the land in said county is already occupied and improved by settlers on ranches, it shall be the duty of said owner, or person in charge of said cattle, horses or sheep, to prevent the same from mixing with the cattle, horses or sheep, belonging to actual settlers, and also to prevent said drove of cattle, horses or sheep, from trespassing on such land as may be the property of the actual settler, and used by him for the grazing of animals, or growing

of hay or timber; or of doing injury to the ditches made for the irrigation of crops. If any owner or owners, or person in charge of any such drove of cattle, horses or sheep, shall wilfully injure any resident in the Territory, by driving said drove of cattle, horses or sheep from the public highways, and herding the same on the lands occupied and improved by settlers in possession of the same, it shall constitute a misdemeanor, and shall be punished by a fine of not less than twenty (20) dollars, nor more than one hundred (100) dollars, at the discretion of the court, and render the owner or owners, or persons in charge of the drove of cattle, horses or sheep, liable for such damages as may be done to the property of said settler.

SEC. 3. When the stock of any person shall be driven off its range within Wyoming, against his will, by the drovers of any drove, and the same shall be found among such drove, every person engaged as drover shall be liable to indictment for larceny, and may be fined in any sum not exceeding one thousand (1,000) dollars, and shall be liable for damages to the party injured, to the amount of two hundred (200) dollars, for each head so driven off, together with all costs accruing in the trial of said cause, and said herd or stock, shall be held liable for the same, or a sufficient number to cover all damages and costs.

SEC. 4. When the stock of any resident of the Territory of Wyoming, shall intermix with any drove of any animals, it shall be the duty of the drover or drovers, or person in charge of such drove, to cut out and separate such stock from said droves immediately; every person, either owner, drover or otherwise, connected with said drove, who shall neglect to comply with the provisions of this section, shall be fined in any sum not exceeding one thousand (1,000) dollars, and shall be liable to indictment for larceny.

SEC. 5. When any person not a stock grower in this

Territory, shall drive any stock into a county of the Territory for the purpose of grazing therein, at any time previous to the last day of December in any year, it shall be liable to be assessed for all taxes leviable in that county for that year, the same as it had been in the county at the time of the annual assessment; and it shall be lawful for the proper officers to assess and collect the same, at any time after the annual time of assessment and collection of taxes; *Provided*, That if such stock shall be assessed and taxed at the next annual assessment of taxes, it shall be the duty of the county commissioners to remit such tax, or such amount of tax, as they deem just.

SEC. 6. That the first proviso of the second section of an act of the second Legislative Assembly, entitled "an act for the protection of stock in Wyoming Territory, and to punish certain offenses concerning the same," be amended so as to read: "That no stock grower shall adopt a mark or brand of another, neither shall the county clerk record the same brand to more than one person; *Provided*, That nothing in this proviso shall prevent one person from adopting the brand of another, and causing the same to be recorded after purchase of such brand and record of bill of sale of such purchaser."

SEC. 7. All acts and parts of acts inconsistent and repugnant to this act are hereby repealed.

SEC. 8. That it shall be unlawful for any person in branding any neat cattle, horses, mules, asses, sheep, [or] goats, to use what is known among stock growers as a "running brand."

SEC. 9. That it shall be unlawful after the passage of this act, for any person in this Territory to sell any neat cattle, horse, mare or gelding, goat, sheep, mule or ass, without giving a written bill of sale therefor; and it shall be unlawful for any person in this Territory to purchase any neat cattle, horse, mare or gelding, goat, sheep,

mule, or ass, without receiving a bill of sale therefor; *Provided further*, That if, at the time of sale of any of the foregoing enumerated stock, such stock is marked and branded, or either, with the brand and mark of the owner, the bill of sale shall contain a full description of such brands or marks, or either, as the case may be.

SEC. 10. No person shall purchase or kill in this Territory any head of neat cattle until the same is distinctly marked or branded, or both; and every person engaged in slaughtering neat cattle in this Territory shall keep a record of all cattle so slaughtered, naming the person or persons of whom purchased, and his or their place of residence, the age, sex and brand and marks of neat cattle slaughtered, which record shall at all times be open for the inspection of stock growers or their employes. It shall be unlawful to sell any hide of any head of neat cattle without giving the purchaser a bill of sale of such hide, and it shall be unlawful for any person to purchase any such hide in this Territory without receiving a bill of sale therefor, and such bill of sale shall contain a full description of the owner's mark and brand and other marks and brands on such hide; *Provided, further*, That all first purchasers of hides in this Territory shall keep a record of all hides of neat cattle purchased by them, which record shall state the name or names of the person or persons from whom purchased, and his, or their, place of residence, and all brands and marks on said hides, which record shall, at all times, be open for the inspection of stock growers, their agents and employes.

SEC. 11. Every butcher slaughtering neat cattle, shall keep the hides of such cattle at his place of slaughtering for a period of not less than seven days after such slaughtering, and such hides shall be subject to inspection by stock growers and their agent and employes. All persons, other than butchers, who occasionally slaughter neat cattle for beef, shall exhibit the hide, or hides, of

such beef at the time and place the beef is offered for sale.

SEC. 12. It shall be unlawful for any person, other than the owner, or his agent, or employe, to skin or remove from the carcass, the skin, hide, or pelt, of any neat cattle or sheep found dead.

SEC. 13. The county commissioners of any county in this Territory, on the recommendation of the stock-growers' association of such county, may appoint one or more detectives, to discover and detect violations of the stock laws within said county; such detectives shall be paid such compensation as shall be directed by the county commissioners, from the county treasury. The county commissioners of the several counties may offer and pay rewards for the detection of those violating this act.

SEC. 14. Any person who shall wilfully do any act prohibited by this act, or who shall wilfully neglect, or refuse, to do any act herein required, shall be guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment in the county jail for a period not exceeding two years, or pay a fine not exceeding one thousand dollars, or both, in the discretion of the court.

SEC. 15. This act shall be in force from and after [the] first day of February, 1876.

Approved, December 5, 1873.

[NOTE.—Sections 8, 9, 10, 11, 12, 13, 14 and 15, were 'added' by act of legislative assembly, approved December 11, 1875, and numbered by the compilers to correspond with the preceding sections.—COMPILERS.]

AN ACT to Protect Sheep.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming.

SECTION 1. The county commissioners of the various counties in this Territory are hereby authorized and required to encourage the destruction of wolves by making payment out of the county fund to any person who

shall engage in the destruction of wolves, the sum of fifty cents for each wolf killed by such person. The person so engaged who may desire the compensation above named, shall present to the chairman of the board of county commissioners of the county, in which the wolves were killed, the scalp of such wolves, together with an affidavit, that the wolf from which said scalp was taken was killed by the person presenting said scalp which scalp and affidavit shall be evidence that the wolves were killed by the person so producing it. It shall thereupon be the duty of the chairman of the board to so mark or destroy such scalp that it cannot be again used as evidence, and give the person so producing it a certificate stating the number of scalps so presented, and to what sum the person is entitled under this act, which certificate may be filed with the county clerk as a claim against the county, to be by him presented to the board at its next meeting thereafter, at which time the board of county commissioners shall allow the claim and order a warrant drawn upon the treasury of the county, as in other cases; *Provided.* This section shall not be construed to prevent the board from disallowing such claim, should it appear in any way to have been fraudulently made or obtained.

SEC. 2. That act shall be in force from and after January 1, 1876.

Approved, December 11, 1875.

A. N. ACT to Amend an Act Approved December 5, 1873, Entitled "An Act Regulating the Branding, Herding and Care of Stock."

Be it enacted by the Council and House of Representatives of the Territory of Wyoming.

SECTION 1. That the authority of deciding whether a brand offered for record does or does not conflict with any previously recorded brand, which authority, by section six of above act, is vested in the county clerk alone, shall be, on and after the passage of this act, vested in a

committee of three, consisting of the county clerk and two respectable stock owners of the county; said committee shall be a permanent one; the two stock owners shall be appointed by the county commissioners; they shall be men of good judgment and experience in brands, and when practicable, shall be chosen from those largely interested in cattle. Vacancies occurring in the two memberships, other than the county clerk, shall be filled by the county commissioners. All brands offered for record shall be submitted, before acceptance, to this committee; the objection of any two shall reject a brand. It shall be the duty of the county clerk to file all brands offered for record pending the examination, which he shall cause to be made as promptly as possible, and if said brand is accepted, the ownership shall date from date of filing.

SEC. 2. It shall be the duty of the county commissioners, immediately after the passage of this act, to make the appointments above specified; after this shall have been done, the county clerk shall at once call together the committee; they shall examine the present record of brands and in any case where, in the judgment of two of them, a brand is found which conflicts with one previously recorded, or which might by its use endanger the property of the party owning the brand earliest of record, it shall be the duty of the county clerk to notify the party owning said brand last of record that the further use of the same will be illegal to the same extent as though it had never been recorded, unless previously agreed upon by owners of such brands, and a joint statement be presented to the recorder of brands by such brand owners; the said notice shall be given by letter, when possible, and also, and in all cases, by publication for one month in two papers published in the county, the expense of which shall be paid on a proper voucher by the county commissioners; both forms of notice shall be given immediately after said examination and rejection. It is expressly provided

that this enactment shall not in any way affect or invalidate the ownership of animals which were branded with said brand then registered previous to the examination and rejection, the object of this act being to make illegal and enjoin from the further use of said brand. The date of the last publication shall be considered to be the date of rejection.

SEC. 3. It shall be the duty of any person who, after the passage of this act, brings into any county of this Territory and turns loose for grazing purposes any herd, band or individual animals already branded, to lay before the above committee a statement of the brands of said animals, and if, in the judgment of any two of them, said brand conflict with any previously recorded in that county, it shall be the duty of the owner or manager of said animals to brand them with a brand that the committee shall consider a full and distinguishing mark from all brands then recorded; this distinguishing brand may then be recorded, but the owner shall be enjoined from any further use of the conflicting brand. A failure to comply with the above shall render the party so failing liable for all damages resulting from such failure, which damages may be recovered in a civil suit. It is further provided that this section shall apply to all animals now in any county of this Territory, whose brands are considered by this committee to infringe on previously recorded ones.

SEC. 4. In deciding as to the conflict of brands, the committee will reject any one that, being the same as one previously recorded, has in addition any of the following, whether placed across, above, below, at either side or encircling the main brand, viz: a straight bar, a quarter, half, or entire circle, a quarter, half, or entire diamond, either upright or inverted, the same not constituting a true brand, and rendering the owner of the same brand liable to damage by its use; saving only when one or

more of these shall be filed by the owner of the first record of the main brand, in which case it may be accepted. The committee shall reject any brand formed by repetition of any letter, number or figure which shall have been previously recorded, whether to be placed on the same or on a different part of the animal; the exclusive right of the first record to the letter, number or figure and to repetition of it being re-affirmed. A variation in size of a letter, number or figure shall not constitute a new brand and shall be rejected. A combination of letters, numbers or figures may be permitted, though the same letters, numbers or figures may have been recorded singly or together, if, in the judgment of the whole committee, said combination is so different from any previous record as to constitute a new brand, with no danger of infringement; but in this case the objection of one member shall reject.

SEC. 5. All acts and parts of acts inconsistent and repugnant to this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved December 8, 1877.

AN ACT to Provide for Payment for Live Stock Killed by Railroads or Railroad Companies.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That any corporation operating a railway, or railroad, within this Territory, which shall injure or kill any live stock, by running any engine or engines, car or cars, over or against any such live stock, shall be liable to the owner or owners of such live stock, for the damage sustained by such owner or owners, by reason of such injury or killing of such live stock.

SEC. 2. That any said corporation injuring or killing any live stock, by running any engine or engines, car or

cars, over or against any such live stock, shall within ten days thereafter, notify the owner or owners of such live stock, so killed or injured, of the fact; *Provided*, That if the ownership of such stock so killed or injured, is unknown, such corporation shall file in the office of the recorder of the county in which such live stock was so killed or injured, a full description, including the number, classes and brands, of such live stock, naming the locality where such stock was so killed or injured. And any corporation failing to comply with the requirements of this section, shall be liable to the owner or owners of such live stock, so killed or injured, in double the amount of the damages sustained by the owner or owners of such stock, by reason of the said killing or injuring.

SEC. 3. Any person or persons owning any live stock which shall be killed or injured, in the manner set forth in the first section of this act, within six months after the said person or persons is, or are, notified of the said killing or injuring, as provided in the second section of this act, shall furnish the corporation having so killed or injured live stock, through its nearest agent, sworn evidence of the value of said live stock, and upon the payment by said corporation, to the owner or owners of said live stock, of two-thirds of the value of said stock, so ascertained, the said corporation shall be released from all liability under this act.

SEC. 4. That for the purposes of this act the terms "live stock" and "stock," shall include all classes of horses, asses, mules, neat cattle, sheep and swine.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved December 9, 1875.

AN ACT to Amend an Act Entitled "An Act Regulating the Branding, Herding and Care of Stock," Approved December 5, 1873.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1 That section thirteen of an act entitled "an act regulating the branding, herding and care of stock," approved December 5, 1873, is hereby amended by adding to the said section, after the last word contained therein, the following: "*Provided*, That this section shall not be construed to apply to the county of Sweetwater."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved December 12, 1877.

AN ACT to Restrain Bulls from Running at Large During Certain Seasons of the Year.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That it shall be unlawful for any person or persons, owning or having charge of any bull or bulls, to allow the same to run at large on any general stock range in that portion of Albany county known as the Laramie plains, also that portion of Albany county lying west of the Laramie plains, Territory of Wyoming, from the first day of February of each year to the first day of July, inclusive.

SEC. 2. Any person that shall fail to comply with the requirements of this act shall on conviction, be punished for each offense by a fine not exceeding one hundred dollars, nor less than ten dollars.

SEC. 3. Any resident ranchman or stock grower in said Albany county herein described, may have the power to take up and post as estray any bull or bulls running at large in Albany county, herein described, during the time prohibited by this act, and he shall in

all respects be required to comply with the act concerning strays, for Wyoming Territory.

SEC. 4. Provided this act shall not be construed to apply to that portion of Albany county at or below the first canyon of Laramie river, or to any ranch on north side of said river at or near said canyon below Laramie City, nor that portion of Albany county lying north of the summit of the Black Hills; *Provided further*, That no owners of bulls shall be fined where place of residence or stock range may be outside of that certain portion of Carbon and Albany counties wherein the running at large of bulls is restricted by this act.

SEC. 5. This act shall be in force and take effect from and after the first day of February, A. D. 1878.

Approved December 15, 1877.

AN ACT Concerning the Keeping of Swine within the Territory of Wyoming.
Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. It shall be unlawful for any owners of swine to allow the same to run at large within the Territory of Wyoming.

SEC. 2. Any person violating this act, after forty-eight hours' written notice by a proper officer, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding ten dollars, for each offense, in the discretion of the court.

SEC. 3. This act shall take effect and be in force from and after May 1, 1878.

Approved December 15, 1877.

AN ACT Entitled "an Act to Incorporate the Wind River Valley Stock Growers' Association."

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That the Wind River Valley Stock Growers' Association shall consist of four members representing the association; one president, whose duty it will be to preside at all meetings of said association; one secretary, who shall record all matter of importance, and two captains of the two several sub-districts, whose duty it will be to give notice of all rodairs or round-ups thirty days prior to the time of the semi-annual rodairs, and who shall have control of and superintend the same.

SEC. 2. That the same shall be a body corporate and have full power to sue and be sued and transact the general business of the association.

SEC. 3. That the boundary or range of said association shall be as follows: Beginning at the crossing of the north-western stage road on Sweetwater, thence running east to the nine-mile crossing of said stream fifty miles, thence north to the junction of Big Papoagie and Little Wind River, thence up Pig Papoagie to the mouth of north fork of same, thence up the north fork to crest of Rocky Mountains, thence south to place of beginning.

SEC. 4. That the association request the privilege of paying all expenses of incorporation.

SEC. 5. That all acts or parts of acts in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved December 14, 1877.

AN ACT to Amend An Act Regulating the Branding, Herding and Care of Stock,
Approved December 15, 1873.

*Be it enacted by the Council and House of Representatives of
the Territory of Wyoming.*

SECTION 1. That section one (1) of said act be and the same is amended by striking out the following words from said section, to wit: "*Provided, That this section shall not be construed to apply to Uinta county,*" and inserting in lieu thereof, the following: "*The provisions of this section shall apply to each and every county of this Territory.*"

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved December 13, 1879.

AN ACT to Amend Section 4 of an Act entitled "An Act for the Protection of Stock
in Wyoming Territory, and to Punish Certain Offenses Concerning the
same," approved Dec. 9, 1871.

*Be it enacted by the Council and House of Representatives of
the Territory of Wyoming.*

SECTION 1. That section 4, of said act, entitled "an act for the protection of stock in Wyoming Territory, and to punish certain offenses concerning the same," be and is hereby amended as follows: insert between the words "Territory," and "or," in the fourth line, the words "with a uniform road brand."

SEC. 2. This act shall be in force on and after its passage.

Approved December 13, 1879.

AN ACT to Amend an Act approved Dec. 5, 1873, entitled "An Act Regulating the
Branding, Herding and Care of Stock."

*Be it enacted by the Council and House of Representatives of
the Territory of Wyoming.*

SECTION 1. All persons other than butchers who occasionally slaughter neat cattle for beef, either for home consumption or for other purposes, shall keep the

hide or hides of such animals slaughtered, for [a] period of twenty days, subject to inspection by any person or persons.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved December 13, 1879.

AN ACT to Prevent the Running [of] Cattle with or by Dogs.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming.

SECTION 1. That any person or persons that shall be detected running cattle with dogs, from any watering place, hay bottom, hay stack, or on any cattle range in the Territory, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars, for each and every offense, all fines collected in accordance with this act shall be paid half to the "officer" enforcing the law and half into the county fund of the county in which the offense is committed.

SEC. 2. In case there may be dogs that are in the habit of running cattle or other stock voluntarily without being sent or ordered to do so, it shall be lawful for any person or persons seeing any dog or dogs, running or returning from having run cattle or other stock, for such person or persons, if so inclined, to follow said dog or dogs to the home of the owner, in order to be satisfied to whom the dog or dogs belong; he shall then notify any justice of the peace or constable of the county, who shall proceed to take up and confine any dog or dogs guilty of such actions and if the owner thereof does not pay the fine above mentioned, within fifteen days after the dog or dogs are taken up, it shall be the duty of the officer having them confined to kill them.

SEC. 3. In case any drover or drovers passing through

any county or counties of this Territory, shall allow their cattle to destroy any hay in stacks, or hay still uncut, regardless of the interests of the ranchmen or settlers, this law shall not apply, and such ranchmen or settlers will be protected under the law, in driving such herds so specified above with dogs or anything else.

SEC. 4. This act shall not in any way interfere with any person driving his own stock with dogs.

SEC. 5. This act shall take effect and be in force on and after its passage.

Approved December 13, 1879.

AN ACT to Amend "An Act to Regulate the Branding, Herding and Care of Stock,"
Approved December 8, 1877.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That section 4, of said act be hereby amended by adding to said section the following: "But any party offering a brand for record that is believed, by the brand committee, to conflict with a brand previously recorded, shall be entitled to have the same recorded by bringing to the committee and filing with the county clerk the written consent of the party owning the brand first recorded."

SEC. 2. Any person or persons who shall violate or fail to obey the provisions of this said act now amended shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not exceeding \$500.00 and by imprisonment not exceeding six months.

SEC. 3. This act shall take effect from and after its passage and all acts and parts of acts inconsistent with it are hereby repealed.

Approved December 13, 1879.

AN ACT to Amend an Act Entitled "An Act for the Protection of Stock in Wyoming Territory, and to Punish Certain Offenses Concerning the Same," Approved December 9, 1871.

SECTION 1. That section one of the above act be, and the same hereby is, amended by inserting between the words "imprisonment" and "not," as they appear in the twentieth line in said section of the compiled laws, the following words, "in the penitentiary."

SEC. 2. That section three of said act, as it appears in compiled laws, be, and the same hereby is, amended by striking out the word "misdemeanor" and inserting in place thereof the word "felony," and also by inserting between the words "imprisonment" and "not," in the eighth line of said section, the words "in the penitentiary."

SEC. 3. That the words "at the discretion of the court" in the first section, and "in the discretion of the court" in the third section of said act be, and the same hereby are, stricken out.

SEC. 4. That section six (6) of said act be, and the same hereby is, amended by inserting after the word "days" and before the word "shall" in said section, as follows: "or a flock of sheep for more than two days," and by inserting at the end of said section the following words: "In an action in any court of competent jurisdiction, at the suit of the county where said offense was committed, and every day after notice shall be considered a new offense, and liable to the same penalty."

SEC. 5. The said act with the above insertions and omissions be, and hereby is, the law governing the above described offenses.

Approved, December 13, 1879.

AN ACT to amend An Act entitled "An Act Regulating the Branding, Herding and Care of Stock," Approved Dec. 5, 1873.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming.

SECTION 1. Section 5, page 541, of compiled laws, is hereby amended by striking out the words "lawful for" in seventh line, substituting the words "the duty of."

SEC. 2. That section 8, page 542, is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

Approved December 13, 1879.

AN ACT to Prevent the Spread of Malignant Disease among Sheep.

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. The county commissioners shall appoint a sheep inspector, who shall be a citizen of the county for which he is appointed, for each county containing two thousand sheep, who shall hold his office for two years unless sooner removed; and any inspector may act in an adjoining county having no inspector, on request of the commissioners thereof.

SEC. 2. It shall be the duty of the sheep inspector, upon information by affidavit filed before a justice of the peace, that any flock of sheep within his jurisdiction has the scab or any other malignant contagious disease, upon two days' notice in writing to the owner or agent or person in custody of said flock, if [the] owner or agent be absent from the county, to inspect said flock and report in writing the result of his inspection, and if so diseased, once every two weeks thereafter to reinspect said flock and report in writing the result and treatment, if any, and the result until said disease is reported cured; *Provided*, That in case of the removal of the flock six miles from the range of any other sheep, as hereinafter provided, he shall only make one inspection every three months.

SEC. 3. And upon the arrival of any flock of sheep into the counties of the Territory where sheep may be located, the owner or agent thereof shall be on due notice compelled to drive them at least six miles from the band of sheep so located, and if the owner or agent fail to comply with the above notice, he shall be fined in the penal sum of not less than one hundred dollars nor more than three hundred dollars. The inspector having knowledge of the arrival, shall make an inspection of said flock and proceed as provided in section two of this act.

SEC. 4. The owner or his agent of any flock reported by the inspector to be so diseased, shall immediately herd them so they cannot range upon or within one mile of any grounds accustomed to be ranged upon by any other sheep, and shall restrain them from passing over or traveling upon or within one mile of any public highway or road, and in case this cannot be done he shall immediately remove said sheep to a locality where they shall not be permitted to range within less than six miles of any other flock of sheep, and said sheep shall continue to be herded under the above restrictions until upon inspection they shall be reported free from such disease.

SEC. 5. The owner or his agent or employes of any flock of sheep requiring inspection or about to be inspected, shall afford the inspector all reasonable facilities for making his inspection; and for every violation of any of the provisions of this act said owner or his agent or his employes shall be fined not less than ten dollars, nor more than three hundred dollars, and every separate day's offense shall constitute a separate offense, and the written report of any offense, made by an inspector under oath, shall be "*prima facie* evidence" of the commission of said offense, and any justice of the peace of the county in which the offense is committed shall have jurisdiction thereof, and the inspector shall *ex officio* report all viola-

tions of the provisions of this act of which he has knowledge.

SEC. 6. Every inspector before entering upon the duties of his office shall take the oath of office prescribed by law, and shall give bond to the Territory of Wyoming in the sum of one thousand dollars, with good sureties, conditioned that he will faithfully perform the duties of his office; such bond shall be approved by the county clerk, who shall endorse upon every bond he shall approve as follows: "I am acquainted with the sureties herein, and believe them to be worth the amount of the penal sum of the within bond, over and above their just debts and liabilities."

SEC. 7. Such bond, with the oath endorsed thereon, shall be recorded in the office of the register of deeds for the county in which the inspector shall reside, and may be sued on by any person injured on account of the unfaithful performance of said inspector's duties; *Provided*, That no suit shall be so instituted after more than twelve months have elapsed from the time the cause of action accrued.

SEC. 8. Every inspector shall keep a fair and correct record of all his official acts, and if required, give a certified copy of any record, upon payment of the fees thereof, and in case of the inspector's death, resignation or removal, said record shall be deposited with the register of deeds.

SEC. 9. The inspector shall receive for his services five dollars per day whilst necessarily employed in inspecting; and for the first inspection an additional fee of one cent for every sheep, when the flock inspected is five hundred or less; and for inspecting larger flocks, five dollars for the first five hundred and one-half cent for the next five hundred, and one-quarter of a cent for the remainder of the flock, to be paid by the owner or his agent, and fifty cents for service of notice, and fifty cents

for each copy, and two cents per line of ten words for any other official copies. *Provided*, That when an inspection is made upon information by affidavit, before a justice of the peace, and the inspector shall report in substance no such "disease," the party giving the information shall pay the inspector's fees, and the inspector shall receive ten per cent. of all fines and penalties in cases in which he gives the information of the offense, and his interest in the result shall only go to his credibility, and not affect his competency as a witness. Remainder of fines shall be appropriated to the common school fund of the county.

SEC. 10. The notices herein provided for shall be served by the inspector, or the sheriff, or any constable of the county.

SEC. 11. No sheep inspector shall be appointed by the county commissioners of any counties of this Territory until they have been petitioned to make such appointment by the majority of the sheep owners of said counties respectively.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved, December 10, 1879.

AUTHENTICATION.

WYOMING TERRITORY, SECRETARY'S OFFICE.

I, A. Worth Spates, Secretary of Wyoming Territory, do hereby certify that the foregoing school, election and stock laws are true copies of the original laws on file in this office, and that they are published in accordance with a joint resolution of the sixth legislative assembly of Wyoming Territory, approved December 13, 1879.



In testimony whereof I have hereunto set my hand and affixed the great seal of the Territory, this 26th day of December, A. D. 1879.

A. WORTH SPATES,
Secretary of Wyoming Territory.